

March 25, 1977

LB 208

the position, Senator Kremer, that we can handle it?

SENATOR KREMER: Mr. Chairman, Senator Hasebroock asked that I handle this for him. I think I can. If we run into trouble, we will pass over it and we will bring it back but he asked that I take it up. But I think it is rather noncontroversial.

PRESIDENT: All right.

CLERK: LB 208. Read title. There are no committee amendments.

SENATOR KREMER: Mr. Chairman, members of the Legislature, LB 208 actually clears up a question regarding adverse possession of property by any public entity. Presently, Chapter 25-202 provides that action taken for recovery for title or possession of lands can only be accomplished within a ten year limitation as it relates to counties, cities, town or village. Now what the language in this bill would provide that a public power and irrigation district or a public power district or a public irrigation district organized under Chapter 70 does not have to come under that ten year limitation period. As I said, Chapter 25-202 says that these public entities shall not have to operate within that ten year limit. I would like to explain it a little bit further in this way and I will give you one example. In order to control weeds and other things along the right of ways surrounding the canals and other facilities belonging to a public power and irrigation district, it is used by farmers as a turn around area in the mowing of weeds and so on and it was rather an innocent type of a thing that these public power and irrigation districts allowed them to do that and then we found out that there were some that were not so innocent. There were those that by using this property over a period of time claimed title to it and this bill then would provide that anytime, not even within a ten year limit, title could be regained without having to go into the law, buy it, so what the bill does, it actually brings into the statute these irrigation districts along with cities, villages and towns and would not place them under the ten year limitation period. That is the essence of the bill. And I move that it be advanced to E & R for Initial.

PRESIDENT: Senator Carsten.

SENATOR CARSTEN: Mr. President, members of the Legislature, I believe, also, we ought to mention that testimony at the hearing that we heard in our committee, most of the time the work that is done on these canals and ditches is done in the off crop season and is not a destructive type operation but mostly for repair and this type of thing which does not destroy crops. So I think that that should be mentioned for the record also.

PRESIDENT: Is there any close, Senator Kremer? All right. The question is the advancement of the bill. Have you voted? Record.

CLERK: 26 ayes, and 0 nays. Mr. President, Senator Lamb asks unanimous consent to print amendments in the Journal. Senator Simon asks unanimous consent to print amendments in the Journal.